

**Remarks/Arguments:**

By this Amendment, Applicants have amended claims 6 and 22. Claims 6, 7, 22 and 25-31 are pending.

**Claim Rejections Under Section 102**

Claims 6, 7 and 29-31 are rejected under 35 U.S.C. §102(b) as being anticipated by Blatter. Applicants respectfully traverse this Section 102(b) rejection.

Claim 6 is an independent claim to which claims 7 and 29-31 depend.

Claim 6 is directed to a recording and reproducing apparatus and includes the following elements:

- the means of recording records the predetermined signal having PSI or SI added to its head;
- wherein **the PSI data is extracted from an input data stream and then placed at a location immediately after an intra-frame (I-frame).**

It is Applicant's contention that the recording and reproducing apparatus as defined by claim 6 is patentably distinguished from the Blatter Patent at least based on the newly added features of **extracting the PSI data from an input data stream and then placing the PSI data at a location immediately after an intra-frame.**

An advantage to adding the detected PSI data to the head of the predetermined signal and, more specifically, at a location immediately after the intra-frame signal is that a decoder does not have to perform any operation for detecting the PSI data and, therefore, there is a savings of processing time. The feature of adding the detected PSI data to the head of the predetermined signal and its associated advantage is discussed throughout the specification; for example, see page 11, line 17 to page 12, line 18. The features of extracting the PSI data from

the input data stream and then placing it at a location immediately after an I-frame is shown, for example, in Figs. 2(a) and 2(b) and is discussed in the specification, for example, at page 32, lines 6-14.

The Examiner contends, at page 3 of the Office Action, that even without Blatter's disclosure of the location of the PSI data in headers, one skilled in the art would know that headers are the normal location for data used to identify the content of the data in a data pack. While Applicants still disagree with this assertion, in order to expedite prosecution of this application, Applicants have further amended claim 6 by adding the features of extracting the PSI data from an input data stream and then placing the PSI data at a location immediately after an I-Frame. These features are not disclosed by the Blatter Patent, and would not be obvious by one skilled in the art. Favorable reconsideration of amended claim 6 is respectfully requested.

Claims 7 and 29-31 depend from amended claim 6 and are, therefore, not subject to rejection in view of the cited reference for at least the same reasons set forth for amended claim 6.

### **Claim Rejections Under Section 103**

Claims 22 and 25-31 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Blatter in view of Yanagihara. Applicants respectfully traverse this Section 103(a) rejection.

Claim 22 is an independent claim, with claims 25-31 dependent thereon. Claim 22 is directed to a recording and reproducing apparatus and includes among its features the following:

- the means of recording records the MPEG transport stream having PCR added to its head,
- wherein **the PCR is extracted from an input data stream and then placed at a location immediately after an intra-frame (I-frame).**

The above identified features of the MPEG transport stream having the PCR extracted from a data stream and then added to its head, at a location immediately after an I-frame, are similar to the features discussed above with respect to claim 6. As discussed above, these features are neither taught nor suggested by the Blatter Patent. It is Applicants' further contention that the Yanagihara Patent does not rectify the deficiencies heretofore discussed with respect to the Blatter Patent.

The Yanagihara Patent, in general, relates to a data packet containing time information which is time compressed and the time information is extracted from the time compressed data packet. A system clock is synchronized with the extracted time information and is multiplied by a predetermined compression ratio to produce replacement time information which replaces the time information in the time compressed data packet. The time compressed data packet contains the replacement time information and is modulated and transmitted or recorded.

The Office Action points to the discussion at the Yanagihara Patent at column 7, lines 53-59 concerning the processing of PCR data relative to PLL circuit 5 and circuit 8, as well as to PCR restamping circuit 12. But Applicants find no teaching in this portion or any other portion of the Yanagihara Patent which teach or suggest the requirement of claim 22 noted above of adding the PCR to the head of the MPEG transport stream, at a location immediately after an I-Frame. Because this feature is lacking in the Yanagihara Patent, as well as in the Blatter Patent, Applicants contention that claim 22 and the claims dependent thereon, are patentably distinguished from these references of record.

Also, Applicants point out that the Office Action merely stating that a feature is "well-known" or "common knowledge" is not sufficient for supporting a rejection under Section 103. Actual evidence of the feature must be provided. See MPEP 2144.03.

Applicants therefore request that the Section 103(a) rejection directed to claims 22 and 25-31 be withdrawn.

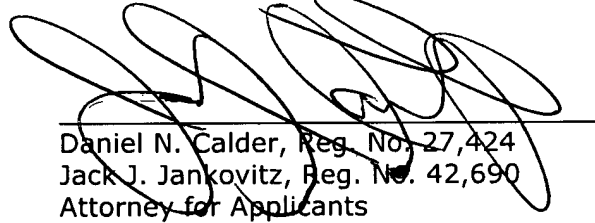
Application No.: 09/762,380  
Amendment Dated: April 11, 2005  
Reply to Final Office Action of: January 13, 2005

MTS-3243US

**CONCLUSION**

In view of the foregoing remarks and amendments, Applicants respectfully submit that claims 6, 7, 22 and 25-31 are in condition for allowance. Reconsideration and allowance of all pending claims are respectfully requested.

Respectfully submitted,



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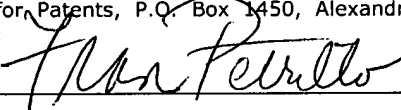
Dated: April 11, 2005

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